Supreme Court, U.S.
FILED

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No. _____

In The

Supreme Court of the United States

October Term 1999

GAMACHU MEKONINE BEYENA

Petitioner,

vs.

THE HONORABLE JOHN R. TUNHEM, JUDGE OF UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA; FRANCIS E. DOSAL, CLERK OF FEDERAL DISTRICT COURT,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Eight Circuit

PETITION FOR WRIT OF CERTIORARI

GAMACHU M. BEYENA
Plaintiff, Appellant Pro Se
P.O. Box 14638
Minneapolis, MN 55414
(612) 371-9705

Petitioner

36pp

QUESTION PRESENTED

Whether "the interests of comity" require a federal district court, in a suit brought under title 28 U.S.C. § 2675 1973 n14 (17) and title VII.42 U.S.C. § 2000 R-5, n(1), Abstain from granting relief in a civil case involved an Employee, was tormented, discriminated and terminated from his work at U.S.P.S.

In which the Fourth Amendment My Individual right to privacy was invaded and My right to Equal protection under the law Fourteenth Amendment was cited and unconstitutionally abridged by the District Court Decision.

PARTIES

The plaintiff below Gamachu Mekonine Beyena a former caused clerk, an employee of the United States Postal Service at Minneapolis, Minnesota.

The defendant below the Honorable John R. Tunhem, Judge of Federal District Court for the District of Minnesota; Francis E. Dosal, the Clerk of Federal District court for the District of Minnesota.

TABLE OF CONTENTS

Page

QUESTION PRESENTED..... i

PARTIES..... ii

TABLE OF AUTHORITIES..... v

OPINIONS BELOW..... 1

JURISDICTION..... 1

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED..... 1

STATEMENT OF THE CASE..... 2

A. Pre-trial conference at Duluth, Minnesota..... 3

B. The district court's initial dismissal for lack of jurisdiction..... 3

C. The court of appeals denial of the merits..... 3

D. The district courts denial of the merits..... 4

E. Specifications of errors relied upon..... 5

F. The court of appeal's opinion..... 6

REASONS FOR GRANTING THE PETITION..... 7

TABLE OF CONTENTS - Continued

Page

I. THE DISTRICT COURT DECISION CONFLICTS WITH McCARTEL V. UNITED STATES (SEE 1973 ED TENN 3273 OF SUPP. 1152)..... 8

II. THE DEPRIVATION OF PETITIONERS INDIVIDUAL RIGHT TO PRIVACY CAUSED IRREPARABLE HARM JUSTIFYING INJUNCTIVE RELIEF..... 8

III. THE DEPRIVATION OF PETITIONER'S RIGHT TO EQUAL PROTECTION UNDER THE LAW CAUSED IRREPARABLE HARM JUSTIFYING INJUNCTIVE RELIEF..... 9

IV THE DECISION BELOW PRESENTS AN ISSUE OF EXCEPTIONAL PUBLIC IMPORTANCE TO THE RIGHT TO A REMEDY OF A LITIGANT WHOSE CIVIL AND CONSTITUTIONAL RIGHTS ARE VIOLATED..... 10

CONCLUSION..... 11

TABLE OF AUTHORITIES

Page

CASES

Beyena v. U.S. Postal Service, Civ No. 3-95-113 (Minn 1995).....App. 16

Blue v. United States, (1983, Dc Conn) 567F Supp.....App. 17

Barnson v. United States, (1982 Dc Utah) 630F.....App. 17

Fagot v. Federal Deposit Ins. Corp., (1984, DC Pur se to Rico) 584 F Supp 1168 (Superseded by statue as stated in *Presbyterian church (U.S.A.) v. United States,* (ca 9. Ar2) 870.F2d 518.....App. 16

Forest v. United States, (1982, DC Mon) 539 F Supp 171.....App. 16

Frank v. Bowman Transp. Co, (1976) 424 US 747, 47 Led 2d, 444, 96 Sct 1251, 12 BNA FEP Cas 549, 11 CCH EPD 91-10, 777, 21 FR Serv 2d 469.....10

Gross v. United States, (1982 Ca 8 SD) 676 F2d 295....App. 17

McCartel v. United States, (see 1973, ed Tenn 373 of Supp 1152).....App. 16

NLRB v. Pittsburgh S. S Co, (1951) 340 M.S. 498, 95 Led 479 71 Sct 453 27 BNA LRRM 2382, 19 CCH LC 66192.....8

Rice v. Sioux City Memorial Park Cemetery, Inc., (1955) 349.....8

United States v. Constantine, (1935) 296 M-S 287, 80 Led 233, 565 Ct 223, 36-1 USTC 91-9009 35-2 USTC 9655, 16 AFTR 1137.....8

TABLE OF AUTHORITIES - Continued

Page

STATUTES AND CODES

28 U.S.C. § 2675 ..... *passim*

42 U.S.C. § 2000 ..... *passim*

PETITION FOR WRIT OF CERTIORARI

Petitioner, appellant, plaintiff pro-se Gamachu Mekonine Beyena, respectfully request that a writ of certiorari issue to review the judgment and opinion of the United States Court of Appeals for the Eight Circuit in this case.

OPINIONS BELOW

The opinions of the United States Court of Appeals for the Eight Circuit, (App.7) and the district court, (App. 5), are unpublished.

JURISDICTION

The jurisdiction of this court is invoked pursuant to 28 U.S.C § 2675 and 42 U.S.C. § 2000. The opinion of the U.S. Court of Appeals for Eight Circuit was issued on June 25, 1998 and the petitioners petition for rehearing was denied on July 24, 1998. This case involves a Federal Question under title 42 U.S.C. § 2000 e. et. seg.

CONSTITUTIONAL PROVISIONS AND STATUES INVOLVED

The Fourth Amendment to the Constitution of the United States provides:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and

> seizures,shall not violated, and no warrants shall issue but up on probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

The Fourteenth Amendment to the constitution provides that:

> All person born or naturalized in the United States and subject to the state jurisdiction there of are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or Immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of law.

STATEMENT OF THE CASE

On September 18, 1997 without hearing or notice a federal district court sealed a file in a civil case that later would become of great interest to the public. One of the parties to those civil proceeding was Gamachu M. Beyena a former casual clerk an employee at United States Postal Service.

Beyena filed a complaint for relief sounding in both tort liability and discrimination. The legal claims arose out of the same set of facts for which he requested 32 Million dollars in damages and reinstated.

A. Pre-Trial Conference at Duluth, Minnesota.

A pre-trial arrangement was made at Duluth, Minnesota before the Honorable Magistrate Judge Raymond L. Erickson. On November 2, 1997 and this case was on the court's calendar, scheduled for trial March 3, 1998.

Strangely, District Court Judge John R. Tunhem reversed his reference of the case to the Magistrate Judge and dismissed the case in unprecedented manner which proved to the plaintiff the hypocrisy, partiality and inefficiency of the judicial system.

B. The district court initial dismissal for lack of jurisdiction.

The litigation in the district court involved significant questions involving civil and constitutional rights of the United States citizen accordingly, at its September 18, 1997 preliminary hearing the district court recognized that "The harassment suffered by Beyena was outrageous, severe, humiliating, It was clearly based upon race, color and national origin."

Fact that district court lacked at no time jurisdiction over this case, jurisdiction arises under FRCP 23(a) (b) and statutory provisions conferring jurisdiction such as the Constitution of the United States Four and Fourteenth Amendments.

C. The Court of Appeals denial of the merits.

Beyena immediately appealed to the United States Court of Appeals for the Eight Circuit. In June 25, 1998, decision the court of appeals reaffirmed district court's dismissal order.

Advisory Note: Beyena had a change of address, has notified the court about the change but didn't receive

> the dismissal order until he received the letter from Magistrate Judge at Duluth, Minnesota.
>
> Immediately with letter in hand went to Federal district court and the clerk pulled out a returned postmark letter and handed over.
>
> Beyena, Immediately filed a hand written motion and paid a filing fee at the court house.

D. The District court's decision on the merits.

Under the Federal Tort Claims Act, the filing of an administrative claim is an absolute jurisdiction prerequisite to maintenance of a tort action against the United States, even if the plaintiff is an employee of the United States. *See Miller v. United States*, 418 F. Supp 373, 375 (D. Minn. 1976)

Because plaintiff has not filled administrative tort claims, the court has no jurisdiction over them. This is a condition imposed by the United States in waiving its sovereign immunity. (citing *Honda v. Clark*).

Furthermore a claim against the United States sounding in employment discrimination must proceed solely and exclusively under title VII. See *Brown v. General Serv. Admin.*, 425 U-S 820, 835 (1976).

September 18, 1997
|s| John R. Tunhem

E. Specification of the errors relied upon.
With all due respect to the honorable John R. Tunhem, I respectfully disagree based on the law and fact.

1. (a) The presiding judge was partial and bias because defendant suffer at no time any prejudism.
   (b) The court erred by treating a U.S. citien like an alien.
   (c) The court erred in entering the defendants motion to dismiss.
   (d) The court erred in entering judgment for the defendant.
   (e) The court erred in finding of the facts.
   (f) The court erred in its conclusion of the law.
   (g) The court erred in its statues citations involved.
   (h) The court erred in denying the plaintiff motions for the alternative new trial.

2. Court erred in inserting the dates of hiring and firing of an employee at U.S.P.S.

   * 11-12-94 date of hiring started work at U.S.P.S. Minneapolis, MN.
   * 11-18-94 date of the incident
   * 11-21-94 EEOC Initial Inquire date
   * 12-16-94 date of firing by notice from work at U.S.P.S.

3. Also, the district court misconstrued in its articulation and analysis of the case. There is no elements of good will in its findings of the facts.

I do wear a brut everyday under my arm and bridge in my mouth as I give you or any one the benefit of a doubt for the only fact that I have an artificial tooth.

The word "deodorant" was introduced, inserted by the defendant, misplaced by plaintiff and misconstrued by the court. Fact that it doesn't exist in EEOC Investigative report (See EEOC Report - below)

EEOC Investigative Report

The complainant alleged discrimination based on race (black), color (black), national origin (Ethiopian) on part of Bill Clark, supv., distribution opvns, in that on 11-18-94 the complainant was told he "stunk, he smelled. What? May it is your food! You needed skin test!"

As a result of Judge John R. Tunhem bias and partial ruling the petitioner suffered the most"

1- Dismissal of the cause irreparable injury to the petitioner Fourth and Fourteenth Amendment.
2- Dismissal of the cause is in violation of my civil, legal and constitutional rights.
3- The balance of hardship favors the plaintiff.
4- Justice delayed and denied for too long.
5- The public interest would be served by granting injunctive relief to the petitioner.

F. The court of appeals opinion for the 8th circuit.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is here by ordered and adjudicated that the judgment of the district court in this cause is affirmed in accordance with the opinion of this court.

June 25, 1998
|s| Michael E. Gans
Clerk U.S. Court of Appeals, Eighth Circuit

Because the Court of Appeals considered the district court's of the U.S.P.S. claims to be tentative and possibly not preclusive in future litigation it bears emphasizing that the district court's intention was for the parties to seek appellate review on the merits because this is an issue that needs to be answered by somebody other than just a district judge.

Challenging the bases for the circuit courts order the petitioner seeks a writ of certiorari to the United States Supreme Court.

REASONS FOR GRANTING PETITION

Section 1973 provides a federal cause of action that entitles a claimant to have a federal court declare whether a constitutional violation has occurred and , if so, provide a remedy for the deprivation. The decision by the court of appeals imperils the structure of the right to relief under 42 U.S.C. § 2000 and 28 U.S.C. § 2675. This dramatic departure from this court's pronouncements and the pronouncement of court of appeals for the eighth circuit on the obligation of a district to hear both declaratory and injunctive claims for relief under 42 U.S.C. § 2000 and 28 U.S.C. § 2675 provides a compelling basis for this court to review the decision of the court of appeals for the eighth circuit.

I. SCRCP 12(2) CONFLICTS OF AUTHORITY

Despite absence of conflicting decisions by court of appeals of any other circuit, question was important one under predecessor to rule (10) where attention was called the diverse decisions in District Courts. To many other cases pending in which action was awaiting authoritative settlement of question presented herein, to large amount of money involved and to a number of person's whose liability would remain uncertain until dispute was finally settled. *United States v. Constantine* (1935) 296 U.S. 287, 80 Led 233, 56 Sct 223, 36-1 USTC 91-9009 35-2 USTC 9655,16 AFTR 1137.

Writ of certiorari will be granted by Supreme Court and where at least four members believe that there are special and important reasons. Therefore, as requested by processor to rule 10. *Rice v. Sioux City Memorial Park Cemetery, inc.* (1955) 349.

Rule 10(c) United States Courts of appeals has decided question of a federal law that has not been, but should be, settled by this court, or has decided an important federal question in a way that conflicts with relevant decisions of this court.

Rule 10(I) Certiorari is granted only in cases involving principals the settlement of which is of importance to the public as distinguished from parties, and in cases where is real and embarrassing conflict of oppression and authority between courts of appeals. *NLRB v. Pittsburgh, s.s. Co* (1951) 340 U.S. 498, 95 Led 479 71.S Ct 453 27 BNA LRRM 2382, 19 CCM LC 66192.

II. THE DEPRIVATION OF PETITIONER'S CIVIL AND CONSTITUTIONAL RIGHTS UNDER THE LAWS CAUSED IRREPARABLE HARM JUSTIFYING INJUNCTIVE RELIEF.

The court of appeals erroneously held that interest of comity suggest that a district court should not grant injunctive or declaratory relief against a trial judge who has not had an opportunity to consider the merits of the plaintiff claim.

The district court's initial hearing concluding abstention from hearing the petitioner's claim for injunctive relief would have left petitioner without a remedy, had any form of the abstention doctrine applied.

Strangely, the declaratory judgment was affirmed on appeal, but the most significant part of the eighth circuit opinion in the case was its decision to remand the petitioners claim for injunctive relief.

In sum, the court of appeals opinion must be vacated because it violates the fundamental principle that a Federal Court must not refuse to decide a case that is with in its jurisdiction. By affirming the district court judgment, avoiding a decision on the merits.

III. THE DECISION BELOW PROVIDES AN ISSUE OF EXCEPTIONAL PUBLIC IMPORTANCE TO THE RIGHT TO A REMEDY OF LITIGANT WHOSE CONSTITUTIONAL, CIVIL AND LEGAL RIGHTS ARE VIOLATED.

The reason for the rule that a Federal trial must provide a meaningful remedy for a constitutional deprivation is vital to the role played by 42 U.S.C. § 2000 and 28 U.S.C. § 2675 in approving meaningful remedy to claimants. Had the Federal court simply declared constitutional violation in civil rights litigation 30 years ago, without supporting the declarartory judgments with remedies against the state actors, it is doubtful

that civil rights movement would have moved beyond the discussion stage.

For the same reasons, loss of the Fourth and Fourteenth Amendment rights, even for a brief time, causes harm that is severe and immediate. These consideration gave rise to this court's pronouncements that race-based violations of constitutional rights must be remedied "with all deliberate speed: through issuance of injunctive relief. *Brown v. Board of Education,* 1349 U.S. at 301.

IV. THE DECISION BELOW PRESENTS AN ISSUE OF EXCEPTIONAL PUBLIC IMPORTANCE TO THE RIGHT TO A REMEDY OF A LITIGANT WHOSE CIVIL AND CONSTITUTIONAL RIGHTS ARE VIOLATED

42 U.S.C. § 2000 e-5, n(1) Generally

Title VII is intended to prohibit all practices in whatever form which creates inequality in employment opportunity due to discrimination on basis of race, color, religion, sex or national origin, one of central purposes of title VII is to make whole for injuries suffered on account of unlawful employment discrimination. *Frank v. Bowman Trausp,* Co (1976) 424 U.S.

747,47 Led 2d 444, 96 S ct 1251, 12 BNA FE{ Cas 549, 11 CCM EPD 91 10777, 21 FR Serv 2d 469.

Where title VII plaintiff could have raised his discriminatiсn claim during his earlier Federal lawsuit alleging abusive discharge and negligent infliction of emotional distress, he was precluded under doctrine of Res. Judicata from

subsequently litigating discrimination claim in as much as both cases whose from common nucleus of operative facts and circumstances involved in his title VII charm claim already had occurred when plaintiff had filled earlier suit, also evidence introduced in first lawsuit indicated that he might have been victim of discrimination. *Walker v. Baltimore arrcon*. Co (1987, CA4 md) 820 F2d 1220.

CONCLUSION

For the foregoing reasons, the petition for certiorari should be granted. The judgment of the district court of appeals should be vacated, and the case remanded with instructions to address the merits of the petitioners' Fourth and Fourteenth Amendment claims. This is an appropriate case for summary disposition on the merits, as provided by rule 16.1, because the Fourth and Fourteenth Amendment rights at issue are irreparable injured by their deprivation for even minimal periods of time.

Finally, at conclusion, in order to provide equal protection, judicial efficiency, integrity and the quality of justice for all. Tort and Employment discrimination based upon race, color, national origin and wrongful termination at the USPS must come to end right now as we speak.

Respectfully submitted,

|s| GAMACHU M. BEYENA
P.O. Box 14638
Minneapolis, MN 55414
(612) 371-9705

Petitioner

Index to Appendix materials

EEOC Investigative Report, dated January 4, 1996.....App. 1

University of Minnesota Hospital Medical Report, dated July 15, 1995.....App. 2

Hearing before Magistrate Judge Ann.....App. 3

Final agency decision, dated October 7, 1996.....App. 4

U.S. district court decision, dated September 18, 1997...App. 5

Appeal from the United States district court for the district of Minnesota, March 3, 1998 .....App. 6

Eighth circuit court of appeals per curiam, June 25, 1998.....App. 7

Eighth circuit court of appeals judgment, June 25, 1998.....App. 9

Order denying petition for rehearing and suggestion for rehearing in banc, July 24, 1998.....App. 11

Letter from Magistrate Judge at Duluth, Minnesota, November 14, 1997.....App. 12

Letter to post master General William Henderson.....App. 13

Memorandum of Law in support of the Write of Certiorari.....App. 16

App. 1

E.E.O.C. INVESTIGATIVE REPORT
January 4, 1996

"The complainant alleged discrimination was based on race (black), color (black), national origin (Ethiopian) on part of Bill Clark, supervisor. Distribution of operation in that on 11-18-94 complainant was told he stunk, he smelled, maybe it is your food! and he needed a skin test; which humiliated him to the extent that he could not report back to work and was ultimately terminated by notice from U.S.P.S. dated 12-16-94.

App. 2

UNIVERSITY OF MINNESOTA
MEDICAL REPORT
July 15, 1995

Injuries "depression" from mental anguish and emotional distress.

App. 3

CHAMBER'S OF MAGISTRATE
JUDGE ANN MONTGOMERY
August 3, 1995

Gamachu M. Beyena v. postal service on this day 3 of August appear in person for the hearing, after realizing that he did not exhaust an administrative pre-requisite involuntarily dismissed his case with out prejudice.

|s| Judge Ann Montgomery

App. 4

FINAL AGENCY DECISION
October 7, 1996

"At conclusion, the postal service is closing the case with a finding of no discrimination based on race, color and/or national origin."

App. 5

Gamachu M. Beyena v. Marvin Runyon
Civil No. 4-96-872

U.S. DISTRICT COURT FOR THE DISTRICT OF MINNESOTA, THE TRIAL COURT DECISION.
September 18, 1997

Under the Federal tort claim act, the filing of an administrative claim is an absolute jurisdictional prerequisite to the maintenance of a tort action against the United States. See *Miller v. United States*, 118 F. Supp. 373 375 (D. Minn 1975) This is a condition imposed by the United States in wavering its sovereign immunity. (citing *Honda v. Clark*, 386 U.S. 484, 501, 1976, see also *Partner v. Fox*, 99F, 3d 271, 274 8th circuit 1996). Because plaintiff has not exhausted administrative tort claims, the court has no jurisdiction over them.

Furthermore, a claim against the United States sounding in employment discrimination must proceed solely and exclusively under title ViII, (see *Brown v. General Serv. Admin*, H25 U.S. 820, 835 (1975) *Georgick v. Austin*, 99F, 2d 1939 (8th circuit 1993).

Tort claim which are in substance claims for the emotion distress resulting from discrimination can be pursued separately from Title VII claim following plaintiff tort claims. Like those in the plaintiff in Georgick are for Emotional distress arising from the same set of facts as title VII. claims and must, therefore be dismissed.

dated September 18, 1997
|s| John R. Tunhem
United States District Judge

App. 6

IN THE UNITED STATES COURT OF APPEALS

FOR THE EIGHT CIRCUIT

NO. 97-4280MNMI

GAMACHU MEKONINE BEYENA,

Appellant,

VERSUS

MAVIN RUNYON,
Post Master General,

Appellee.

Appeal from the United States District Court
for the District of Minnesota

Appellant's response to the show cause order of February 4, 1998, has been filed. That order is hereby dissolved and the case shall be allowed to proceed. Appellant's motion for an extension to file the brief is granted and the brief that was submitted in St. Paul on 02 / 18 / 98 is deemed timely filed. Appellee's brief is now due 04 / 02 / 98.

March 3, 1998

Order Entered under Rule 27B(a)

|s| Michael E. Gans
Clerk, U.S. Court of Appeals, Eighth Circuit

App. 7

IN THE UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

NO. 97-4280

GAMACHU MEKONINE BEYENA,
Suing as Gamachu M. Beyena,

Appellant,

VERSUS

MARVIN RUNYON,
Post Master General,

Appellee.

Appeal from the United States District Court
for the District of Minnesota.
(UNPUBLISHED)

(Filed June 25, 1998)

Before McMILLIAN, LOKEN, and MURPHY, Circuit Judges.

PER CURIAM.

Gamachu Mekonine Beyena appeals from the district court's[1] order granting defendant's motion to dismiss his tort and employment discrimination claims. Having carefully reviewed

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[1]The Honorable John R. Tunheim, United States District Judge for the District of Minnesota.

the record and the parties' submissions on appeal, we conclude the district court properly granted defendant's motion and we affirm on the basis of the district court's opinion. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

App. 9

IN THE UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

NO. 97-4280MNMI

GAMACHU MEKONINE BEYENA,
Suing as Gamachu M. Beyena,

Appellant

VERSUS

MARVIN RUNYON,
Post Master General,

Appellee.

Appeal from the United States District Court
for the District of Minnesota
(Civil 4-96-872)

(Filed August 5, 1998)

JUDGMENT

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

June 25, 1998

A true copy.

Attest: |s| Michael E. Gans

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

IN THE UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

NO. 97-4280MNMI

GAMACHU MEKONINE BEYENA,

Appellant,

VERSUS

MARVIN RUNYON,

Appellee.

Order Denying Petition for Rehearing and
Suggestion for Rehearing En Banc

(Filed July 24, 1998)

The suggestion for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

July 24, 1998

Order Entered at the Direction of the Court:

|s| Michael E. Gans
Clerk, U.S. Court of Appeals, Eighth Circuit

App. 12

[Letterhead names omitted in printing]

November 14, 1997

Mr. Gamachu M Beyena
P.O Box 14638
Minneapolis, MN 55414-0638

Re: Gamachu M. Beyena vs. Marvin Runyon
Civ. No. 4-96-872

Dear Mr. Beyena:

I have in hand your letter to the Clerk of Court, dated November 6, 1997, which encloses, among other documents, a "Motion for Continuance of a Case," and which the Clerk forwarded to my attention. As you have been notified, the District Court, the Honorable John R. Tunheim presiding, issued an Order, on September 18, 1997, which dismissed your Complaint with prejudice, and which directed the entry of Judgment to that effect. On the same date, Judgment was duly entered by the Clerk of Court. As a consequence of that entry of Judgment, there is no longer an open file in this case and, apart from a reopening of this action on a Motion for proper cause, this proceeding is at a conclusion. Of course, you may have a right to appeal the Judgment to the United States Court of Appeals for the Eighth Circuit, if the time for an appeal has not expired.

Very truly yours,

|s| Raymond L. Erickson
UNITED STATES
MAGISTRATE JUDGE

cc: Lonnie F. Bryan, Assistant U.S. Attorney

App. 13

UNITED STATES POST MASTER GENERAL
475 L'EFANT PLAZA
WASHINGTON D.C 20260

To The Hounarable post Master General William Henderson

Call for the settlement of the civil case:-

Dear Sir, Congratulations on your appointment as U.S post Master General, We looking foreward the best public service for the customers and a safer working Enviroment for all of it's Employees.

I am a plaintiff pro-ce in the case Gamachu M. Beyena Vs. Marvin Runyon former post master General Vs. former casual clerck at the U.S postal service in Minneapolis Minnesota.

Appellant pro-ce has a civil case against your agency for it's intentional, Willful Misconduct or flagrantly disregarding the law of the land and violated my civil and constitutional rights. Appellant pro-ce is a victm here he was tournamented, discriminated and wrongfully terminated from his job as USPS in 1994. So far justice has been denied and delayed for too long to settele this case as mistrial, clerck Err and judicial ineffiency been entered. Your Lawyer Mr. Lonnie Brayan took a great advantage of this mistrial because he is judges favour like he said and a next door fellow Federal Employee.

Now, Appellant pro-ce is persueing his case to take it to the supreme court of the United States where the Eyes of the Law can see and the ears of justices can hear. This is where the citizens individual civil liberties and constitutional rights are broudly read and itnerpreted based up on the facts and the law of

the land furthermore the statues citations involved in this case. Appellant pro-ce what I like to make it clear for this Defendant is in the court of law you can't commit a civil crimes such as Tort, discriminations and wrongfull Terminations and try to get away with it by illegall technicality. It's time for this agency to put it's act together by that I mean to quit It's Wreckelles and Irresponsible behavior Knowingly disregarding the law of the land and claim responsibility and accontability for it's past actions.

Change is welcome at the USPS which came too late and Now is time for this agency's New post Master General to come forward and claim responsibility for the past wrong doing based upon the facts, the Law and the statues citations involved in this case.

Appellant pro-ce make this call to you to reach up to you once more giving you the benefit of the dout to come forward and settle this case. This is the Appellant pro-ce preconditions pleabargain offer:-

(1) A letter of apolgy singhed up by Post Master General.

(2) Specifically admission of wrong doing, statues citations involved must be insserted into the letter.

(3) Show me the money.

I am not so sure if you have watched the movies Jerry McGuiere or not, If you did you have a better understanding, If you didn't please do so if you may have time for it. Anyway, I can say it as many times as you want me to say it that is SHOW ME THE MONEY!!!.....Echo after Echo

after.....SHOW ME THE MONEY.....
Well I'm acting Tom Cruise here if you can here me. I hope Tom don't get mad for refrance but I'm trying to solve my problem with your agency sir.

Here, is my propsal for the money deal pay me 20 millions in the next five years period plus taxes on you. How does that sounds to you? Let me know in writing what do you think about this? My offer dead line expires september 1st 1998 at 12.00 am.

Otherwise, an action By the Supreme Court of the United States May be concidered against you as court deems just and right.

C:C W(Enclosures)
U.S Supreme Court

By Gamachu M. Beyena

|s| Gamachu M. Beyena
Appellant Pro-ce.....

This day of 7 Auguest 1998.

Memorandum of Law in support of the Writ of Certiorari

28 U.S.C. § 2675. n14 (17)

Exceptions to Exhaustion requirement: fact that administrative claim requirements under 28 U.S.C. § 2675 are jurisdictional does not prevent court from considering whether there are extenuating circumstances requiring that technical compliance be excused in interest of justice.

Forest v. United States, (1982, D.C. Mon) 539 F Supp 171.

Contention that administrative claim was not filed because of subsequent, unspecified events which allegedly took place after action was filed in court can not serve as ground to abrogate exhaustion requirement of 28 U.S.C. § 2675.

Fagat v. Federal Deposit Ins. Corp, (1984, DC Puerto Rico) 584F Supp 1168 (superseded by statue as stated in *Presbyterian church (U.S.A) v. United States,* (ca 9.AR2) 870. Led 518.

Exception 28 U.S.C. § 2675 (b) Bar was made out by claim of limited education, reliance on another for the filing of agency claims and unawareness of Entitlement to compensation in addition to stated therein.

McCartel v. United States, (see 1973 ed Tenn 3273 of Supp. 1152)

28 U.S.C. § 2675, n22

Factual Basis of claims

Claimant who gives notice to U.S. that wrongful actions on which claim is based dated 4 years from date of claim provides sufficient information for U.S. to settle all wrongs, although earlier wrongful actions are not detailed, in absence of continuing tort, recovery for earlier wrongful action is [precluded by failure to present claim with in 2 years period provided] under 28 U.S.C. § 2401 (b) but jurisdictional prerequisite of Administrative Exhaustion is satisfied.

Gross v. United States, Ca 11 Ga) 788 F2d 1528, cert den 479 U.S. 930, 93 L ed 2d 353 107 5 ct 400).

Requirement of 28 U.S.C. § 2675 are satisfied when appropriate agency is given written notice of circumstances of underlying incident sufficient to enable it to investigate claim and respond by settlement or defense, notice that includes statement of facts and demand for specific amount of damages is generally sufficient.

Blue v. United States, (1983, DC Conn) 567 F Supp 394.

Claim is sufficient which notifies agency of facts of incidents, it need not elaborate all possible causes of action or theories of liability.

Barnson v. United States, (1982, DC Utah) 531 F Supp 614, Later proceeding (DC Utah) 630 F